IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 21ST AUGUST 2007 / 30TH SRAVANA 1929

WP(C).No. 23238 of 2007(N)

PETITIONER:

M/S.IDEA MOBILE COMMUNICATIONS LTD.,
SECOND FLOOR, MERCY ESTATE, RAVIPURAM,
COCHIN-682 015 REPRESENTED BY ITS SENIOR MANAGER,
SRI.RAMACHANDRAN.C.

BY ADV. SRI.SANTHOSH MATHEW
SRI.SATHISH NINAN

RESPONDENTS:

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1. THE EDARIKODE GRAMA PANCHAYAT,
EDARIKODE, MALAPPURAM DISTRICT, REPRESENTED BY
ITS SECRETARY.

2. THE EDARIKODE GRAMA PANCHAYAT,
EDARIKODE, MALAPPURAM DISTRICT, REPRESENTED BY
ITS PRESIDENT.

3. THE SUB INSPECTOR OF POLICE,
KOTTAKKA POLICE STATION, MALAPPURAM DISTRICT.

4. SRI.POOKKAYIL KUNHAHAMMAD HAJI,
NEAR SPINNING MILL, CHUNDALAPARA, VAZHAKKULAM
DESOM, EDARIKKODE, MALAPPURAM-676 521.

5. SRI.PUTHARIKODE RAMADAS, NEAR
SPINNING MILL, CHUNDALAPARA, VAZHAKKULAM DESOM,
EDARIKKODE, MALAPPURAM-676 521,

BY ADV. SRI.P.K.IBRAHIM
SRI.P.CHANDRASEKHAR
GOVT. PLEADER SRI.K.J.MOHAMMED ANZAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	PHOTOCOPY OF THE BUILDING PERMIT DTD. 17-5-2007 ISSUED BY R1
EXT.P2	PHOTOCOPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE R3
EXT.P3	PHOTOCOPY OF THE COMMUNICATION DTD 7-7-07 ISSUED BY R1 TO THE PETITIONER
EXT.P4	A COPY OF THE JUDGMENT IN 2006(4)KLT 695
EXT.P5	TRUE COPY OF JUDGMENT IN W.P.C.NO.7324/07
EXT.P6	TRUE COPY OF THE INTERIM ORDER IN W.P.C.NO.22063/06
EXT.P7	PHOTOCOPY OF THE MINUTES DTD. 7-7-07 OF THE PANCHAYAT COMMITTEE MEETING OF EDARIKKODE GRAMA PANCHAYAT

EXHIBITS OF RESPONDENTS 1 AND 2

EXT.	PHOTOCOPY OF THE RESOLUTION DTD. 7-7-07

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

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W.P.(C).No. 23238 OF 2007

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Dated this the 21st day of August, 2007

JUDGMENT

Petitioner challenges Exts.P3 and P7. Ext.P3 is the notice issued on the basis of Ext.P7. By Ext.P1 petitioner was given permit to put up a telecommunication tower on the roof top of the building. However by Ext.P3 the said permit has been cancelled apparently on the basis of the decision taken by the Committee. One of the contentions raised by the petitioner against cancellation is that it is done without observing the principles of natural justice. There is no dispute that the petitioner was not heard.

In view of the fact that petitioner was not heard before Ext.P1 under which petitioner acquired right to erect a tower was cancelled, Exts.P3 and P7 cannot be sustained. Accordingly, Exts.P3 and P7 are quashed. I leave it free to the competent authority among respondents 1 and 2 to take a decision in the matter, if so advised with notice to the petitioner and also

respondents 4 and 5. It is open to respondents 4 and 5 to raise all their contentions available to them under law.

(K.M.JOSEPH, JUDGE)

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